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BEFORE THE ARIZONA CORPORATION COMMISSION

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COMMISSIONERS

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KRISTIN K. MAYES

AZ CORP COMMISSION
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Arizona Corporation Commission

DOCKETED

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**IN THE MATTER OF THE APPLICATION OF
ARIZONA WATER COMPANY, AN ARIZONA
CORPORATION, TO EXTEND ITS EXISTING
CERTIFICATES OF CONVENIENCE AND
NECESSITY AT CASA GRANDE AND
COOLIDGE, PINAL COUNTY, ARIZONA**

DOCKET NO. W-01445A-04-0755

**IN THE MATTER OF THE APPLICATION OF
WOODRUFF WATER COMPANY, INC. FOR A
CERTIFICATE OF CONVENIENCE AND
NECESSITY TO PROVIDE WATER SERVICE**

DOCKET NO. W-~~01~~4264A-04-0438

**IN THE MATTER OF THE APPLICATION OF
WOODRUFF UTILITY COMPANY, INC. FOR A
CERTIFICATE OF CONVENIENCE AND
NECESSITY TO PROVIDE SWER SERVICE**

04265A
DOCKET NO. SW-~~04-265A~~-04-0439

**WOODRUFF WATER COMPANY
INC. AND WOODRUFF UTILITY
COMPANY, INC.,S REPLY TO
STAFF'S RESPONSE TO ARIZONA
WATER COMPANY'S MOTION
FOR A PROCEDURAL ORDER**

Woodruff Water Company, Inc. ("Woodruff Water") and Woodruff Utility Company, Inc. (Woodruff Utility) (collectively referred to as "Woodruff") hereby files its Reply to Staff's Response to Arizona Water Company's ("Arizona Water") Motion for a Procedural Order.

Woodruff supports Staff position that prefiled testimony is unnecessary in this proceeding. The procedure set forth in the January 31st Procedural Order is reasonable and sufficient for the parties to fully present their positions to the Commission. The Applicants have filed information sufficient for the Staff to prepare its report, which must be filed by March 3, 2005. If the Applicants disagree with the Staff Report, they must file written objections. The process that is

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1 currently ordered will allow the parties put forward their positions prior to hearing for the benefit
2 of the parties, the public, the Administrative Law Judge and the Commissioners. The evidentiary
3 hearing will allow the parties the opportunity to present their positions through the direct and
4 cross-examination of witnesses and the presentation of exhibits. Woodruff agrees with Staff that
5 this established procedure will provide the parties due process and the Commission with the
6 information necessary to make their determination in this matter.¹

7 Additionally, to require prefiled testimony would only further delay a decision in this
8 matter. Staff correctly points out that if prefiled testimony is required, the Applicants' testimony
9 would be filed prior to Staff filing its position. Woodruff Water's and Woodruff Utility's
10 applications for a Certificate of Convenience and Necessity have pending at this Commission for
11 several months. The matter was set for hearing in late November. However this hearing was
12 delayed because on October 19, 2004, Arizona Water Company filed an application to extend its
13 Certificates(s) to provide water service included the area in which Woodruff was seeking to
14 provide both water and sewer service. The Woodruff applications were consolidated with the
15 Arizona Water application and the procedural schedule that had been established by the October
16 14th Procedural Order was vacated. It was not until January 20th that Staff issued a notice of
17 administrative sufficiency to Arizona Water.

18 Currently the hearing on this matter is set for April 20, 2005 – a full five months later than
19 the original hearing. To now include a requirement to file testimony would most likely require a
20 delay in the adjudication of this matter. The potential customers in the disputed area in the above
21 captioned CC&N matters have specifically requested that Woodruff Water and Woodruff Utility
22 provide them with water and sewer service. Arizona Water's application to extend their CC&N
23 into the same area, to provide only water service, has already caused delay in the adjudication of
24

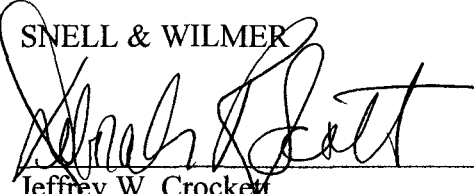
25 ¹Woodruff's applications were filed on June 10, 2004 and Staff issued a letter of administrative
26 completeness on October 7th.

1 the matter. To now complicate the hearing schedule with prefiled testimony will only cause
2 additional unnecessary delay.

3 Woodruff urges the Administrative Law Judge to deny Arizona Water's motion and allow
4 this matter to continue as currently scheduled.

5 RESPECTFULLY submitted this 2nd day of February, 2005.

6
7 SNELL & WILMER

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9 
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10 Deborah R. Scott

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14 Attorneys for Woodruff Water Company

15 The original and seventeen (17) copies
16 of the foregoing were filed this 2nd day
17 of February, 2005.

18 Docket Control
19 Arizona Corporation Commission
20 1200 West Washington Street
21 Phoenix, Arizona 85007

22 A COPY of the foregoing was hand-delivered
23 this 2nd day of February, 2005, to:

24 Lyn Farmer
25 Chief Administrative Law Judge
26 Hearing Division
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1200 West Washington
Phoenix, Arizona 85007

1 James Fisher
2 Utilities Division
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6 A COPY of the foregoing was mailed
7 this 2nd day of February, 2005, to:

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